



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II
290 BROADWAY
NEW YORK, NEW YORK 10007-1866

September 28, 2012

BY EMAIL & REGULAR MAIL

William H. Hyatt, Jr., Esq.
K&L Gates LLP
One Newark Center, Tenth Floor
Newark, NJ 07102-5285

**Re: Diamond Alkali Superfund Site/Passaic River Focused Feasibility Study Area
Opportunity to Submit Comments to National Remedy Review Board**

Dear Mr. Hyatt:

The purpose of this letter is to inform you of your clients' opportunity to submit comments concerning issues related to the selection of a remedy for the lower 8 miles of the Lower Passaic River Study Area of the Diamond Alkali Superfund Site (the "FFS Study Area").

The cost of every one of the remedial alternatives identified by the United States Environmental Protection Agency ("EPA") for the FFS Study Area, with the exception of the No Action alternative, exceeds \$25 million. Accordingly, the guidelines of the National Remedy Review Board require that the Board review the cleanup strategies for the Site. The discussion of the FFS Study Area Site is on the Board's agenda for a meeting to be held on December 12-13, 2012.

Under the Board's guidelines, your written submission should summarize, in 40 pages or less, any technical issues you think are pertinent to the cleanup decision, including your rationale and your recommended approach to the cleanup. Your comments must be received by EPA, Region 2, by or before the close of business on November 8, 2012. Please submit your comments to Remedial Project Manager Alice Yeh, with a copy to the Office of Regional Counsel.

The remedy review process will consist of the following steps: 1) Region 2 will develop an information package with input from the partner agencies, and will attach submissions from other stakeholders, including your clients, if any are received; 2) Region 2 will submit the information package to the Board one month prior to the Board's meeting on December 12-13; 3) at the Board meeting, Region 2 will make an informational presentation; 4) the Board will deliberate, focusing on whether the proposed cleanup strategy is cost effective and consistent

with Superfund law, regulations and guidance; 5) within four weeks after the meeting, the Board will transmit a memorandum to the Regional decision-maker with recommendations and comments; and 6) the Regional decision-maker will respond to the Board within a reasonable time.

Please note that while Regional decision-makers give careful consideration to Board recommendations, the Board recommendations are advisory, not binding.

The Board review is considered an internal deliberative process, and your clients' participation is limited to the submission of the 40-page document referenced above. At the time the proposed plan is issued for public comment, Region 2 anticipates that the Board memorandum and the Region's response will be placed in the public administrative record for the Site.

Further information concerning the National Remedy Review Board may be found at the following website: <http://www.epa.gov/superfund/programs/nrrb/index.htm>. The website also provides access to the Board's publically-available review memoranda for sites previously reviewed by the Board as well as regional responses to the Board comments at those sites.

Please do not hesitate to call either Patricia Hick at 212-637-3137 or me at 212-637-3136 if you have any questions.

Very truly yours,



Sarah P. Flanagan
Assistant Regional Counsel

cc: P. Hick, ORC
R. Basso, ERRD
A. Yeh, ERRD